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10 *Attorneys for Defendant Michael Lacey*

11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE DISTRICT OF ARIZONA

14 United States of America,

15 Plaintiff,

16 vs.

17 Michael Lacey

18 Defendant.

Case No. CR-18-00422-PHX-SPL (BSB)

DEFENDANT LACEY'S NOTICE OF
JOINDER IN MOTION TO DISMISS DUE
TO GOVERNMENT INTERFERENCE
WITH RIGHT TO COUNSEL (DOC. 456)

19 Defendant Michael Lacey hereby joins in Sections I and II of Defendants Andrew
20 Padilla's and Joye Vaught's Motion to Dismiss Due to Government Interference With Right To
21 Counsel And Request For Disclosure, Or, In The Alternative, Motion To Withdraw (Doc. 456)
22 ("Motion to Dismiss"). Mr. Lacey adopts the legal positions and bases set forth in those sections
23 of the Motion to Dismiss as if fully set forth herein, and seeks dismissal of the matter.

24 Counsel for Mr. Lacey does not, at this time, join the alternative request to withdraw that
25 is set forth in Section III of the Motion to Dismiss. The unconstitutionality and infirmity of the
26 one batch of government's seizures is the subject of pending litigation in the Central District of
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1 California,¹ and of another batch of government seizures is pending in the Ninth Circuit Court
2 of Appeals.² The rulings of these other courts could free up significant amounts of improperly
3 seized assets and attorney's fees and obviate the need to consider withdrawing, despite the
4 government's improper actions in improperly seizing attorney's fees. Consequently, Mr. Lacey
5 submits that providing appropriate time for those courts to render substantive rulings before
6 considering withdrawal is appropriate.

7
8 RESPECTFULLY SUBMITTED this 20th day of February, 2019

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10 LIPSITZ GREEN SCIME CAMBRIA LLP

11 /s/ Paul J. Cambria, Jr.

12 Attorneys for Defendant
13 Michael Lacey
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26 ¹ See 18-MJ-2782, 18-MJ-2783, 18-MJ-2784, 18-MJ-2785, 18-MJ-2786, 18-MJ-2788, 18-MJ-
27 2880, and 18-MJ-2883 (C.D. Cal. 2018).

28 ² See *United States v. Larkin et al.*, No. 18-56455 (9th Cir.).

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of February 2019, I electronically transmitted a PDF version of this document to the Clerk of the Court by filing with the CM/ECF system and understand a copy of the filing will be emailed to the attorneys of record.

By: /s/ Kristina Drewery